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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,322	07/30/2001	James S. Katz	Rachis/C	3583

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,322

Applicant(s)

KATZ ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/6/2
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

Claims 11-15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, claims 11-15 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-24 and 26-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito U.S. Patent Application Number 2002/0049638.

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Referring to claim 1. Ito discloses a method of providing a configurable intermediary between a client device and a digital processing system, the method comprising:

- Receiving from the client device a peripheral device signal representative of an event generated by a peripheral device connected to the client device (paragraph 10);
- Processing the peripheral device signal to generate an intermediary signal, the intermediary signal having a selectable, standardized format capable of being understood by the digital processing system (paragraph 10, paragraph 0129 and paragraph 0133); and
- Transmitting, to the digital processing system, the intermediary signal (paragraph 10 and paragraph 0129).

Referring to claim 2. Ito further discloses a method wherein processing the peripheral device signal to generate an intermediate signal includes selecting the standardized format based on parameters of the digital processing system (paragraph 10, paragraph 0129 and paragraph 0133).

Referring to claim 3. Ito further discloses a method wherein the step of processing the peripheral device signal is executed on a server processor capable of communication with the client device via a communication channel (paragraph 10, paragraph 0129 and paragraph 0133).

Referring to claim 4. Ito further discloses a method wherein the communications channel is the Internet (paragraph 0355 through paragraph 0357).

Referring to claim 6. It further discloses a method wherein the digital processing system is a billing system (Figure 4 and paragraph 0129).

Referring to claim 7. It further discloses a method wherein the digital processing system is an information delivery system (Figure 4 and paragraph 01294).

Referring to claim 8. It further discloses a method wherein the digital processing system is an information logging system (Figure 4 and paragraph 0129).

Referring to claim 9. It further discloses a method wherein the digital processing system is an information storage system (Figure 4 and paragraph 0129).

Referring to claim 10. It further discloses a method wherein the digital processing system, in response to receipt of the intermediary signal, executes an e-commerce transaction process (Figure 4 and paragraph 0129).

Referring to claims 11-15. Claims 11-15 have not been treated on the merits, because a multiple dependent claim cannot depend from any other multiple depend claim.

Referring to claim 16. It further discloses a method comprising:

- Receiving peripheral device signals from each of a plurality of client devices (paragraph 10, paragraph 0129 and paragraph 0133);
- Selecting, for each of the received peripheral device signals, a respective, selectable, standardized format associated with the respective peripheral device signal and a selected one of a plurality of digital processing systems (paragraph 10, paragraph 0129 and paragraph 0133);

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- Processing the respective peripheral device signal to generate an intermediary signal with a format capable of being processed by the selected digital processing system (paragraph 10, paragraph 0129 and paragraph 0133);
- Routing and transmitting, to appropriate ones of the pluralities of digital processing systems, respective intermediary signals (paragraph 10, paragraph 0129 and paragraph 0133).

Referring to claim 17. Ito further discloses the method wherein the peripheral device signal is a peripheral device identifier (paragraph 0010 and paragraph 0176).

Referring to claim 18. Ito further discloses the wherein the peripheral device identifier is associatable with a subscriber to a service provided by an entity and implemented by the digital processing system (paragraph 0010 and paragraph 0176).

Referring to claim 19. Ito further discloses a method wherein the peripheral device identifier is associatable with a credit card number for billing (paragraph 0319).

Referring to claims 20-24 and 26-39. Claims 20-14 and 26-39 are rejected under the same rationale as set forth above in claims 1-4 and 6-19.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito U.S. Patent Application Number 2002/0049638 in view of Internet PC / JVs (PTO-892, Ref U).

Referring to claim 5. Ito discloses a method according to claim 4 as indicated supra. Ito does not expressly disclose a method wherein the client device is a television set-top box. Ito discloses a method wherein the client devices are implemented as personal computers, servers, or other devices configured to communicate with a peripheral. Internet PC / JVs discloses a method wherein client devices are implemented as television set-top boxes. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Ito to have included television set-tops. Television set-tops are essentially TVs with the telecommunications functions of a PC (Internet PC / JVs: abstract).

Referring to claim 25. Claims 25 is rejected under the same rationale as set forth above in claim 5.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Willner, U.S. Patent Application Publication US 2002/0188520 A1, December 12, 2002, discloses a supplier provided product information service.

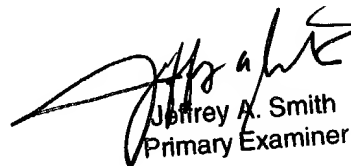
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
May 18, 2004


Jeffrey A. Smith
Primary Examiner